

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS (Worcester)

In re: Richard C. Engrassia,  
Debtor

Chapter 13  
Case No. 23-40370EDK

Richard C. Engrassia,  
Plaintiff

v.

Adversary Proceeding No. 23-04019EDK

U.S.Bank Trust National Association, not in its  
Individual capacity, but solely as Trustee of the  
Truman 2021SC9 Title Trust,  
Defendant

**DEFENDANT’S ANSWER TO PLAINTIFF’S COMPLAINT TO AVOID UNPERFECTED PRE-  
PETITION TRANSFER**

Now Comes Defendant, U.S. Bank Trust National Association, not in its individual capacity, but solely as Trustee of the Truman 2021 SC9 Title Trust (“Defendant”) and responds to the numbered paragraphs of Plaintiff, Richard C. Engrassia’s Complaint as follows:

1. Defendant admits that the Plaintiff filed a Chapter 13 action on May 10, 2023 but denies that the property located at 207 Nashua Road, North Billerica, Massachusetts (“Property”) is property of the Plaintiff’s bankruptcy estate.
2. Admitted that the Plaintiff has owned or lived at the Property but denied that the Property is property of the Plaintiff’s bankruptcy estate.
3. Admitted.
4. Admitted.
5. Admitted that a third party was the high bidder at a foreclosure sale of the Property that was conducted by Defendant.
6. Defendant is without sufficient information to admit or deny what the Plaintiff’s intentions are relative to the filing of a Chapter 13 Plan and calls upon Plaintiff to prove same. Defendant admits that Plaintiff is seeking to establish that the Property is part of the Plaintiff’s bankruptcy estate.
7. Admitted.
8. Defendant admits that Plaintiff has failed to make the mortgage payments that are due on his

mortgage loan. Defendant is without sufficient information to admit or deny whether the Plaintiff has or had serious medical issues and calls upon Plaintiff to prove same. Defendant is without sufficient information to admit or deny whether the Plaintiff has income and businesses that have assets which will be sold to fund his Chapter 13 and satisfy mortgages and calls upon Plaintiff to prove same.

9. Defendant admits that a foreclosure deed hasn't been recorded as to the Property and denies the remaining allegations in the Paragraph.
10. Defendant states that the allegations in the Paragraph are legal conclusions to which no response is required. To the extent a response is required the Defendant denies the allegations contained in the Paragraph.
11. Defendant states that the allegations in the Paragraph are legal conclusions to which no response is required. To the extent a response is required the Defendant denies the allegations contained in the Paragraph.
12. Defendant states that the allegations in the Paragraph are legal conclusions to which no response is required. To the extent a response is required the Defendant denies the allegations contained in the Paragraph.

#### **AFFIRMATIVE DEFENSES**

- 1) The Plaintiff's Complaint fails to state claims upon which relief can be granted.
- 2) Plaintiff is estopped by his action and inaction from recovering against Defendants.
- 3) Plaintiff is guilty of laches.
- 4) Plaintiff has waived, through his actions or inaction, the ability to challenge the foreclosure process undertaken relative to the Property.

WHEREFORE, U.S. Bank Trust National Association, not in its individual capacity, but solely as Trustee of the Truman 2021 SC9 Title Trust respectfully requests that the Court:

- 1) Enter Judgment in Defendant's favor as to Plaintiff's Complaint;
- 2) Award Defendant its reasonable attorney's fees and costs; and
- 3) Grant such other relief as the Court deems appropriate and just.

Dated at Natick, Massachusetts this 23rd day of June, 2023.

U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN  
ITS INDIVIDUAL CAPACITY, BUT SOLELY AS  
TRUSTEE OF THE TRUMAN 2021 SC9 TITLE TRUST  
By its attorney,

/s/ Robert F. Tenney

Robert F. Tenney (BBO#565092)  
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**CERTIFICATE OF SERVICE**

I, Robert F. Tenney, Esquire, state that on June 23, 2023, I electronically filed the foregoing DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT TO AVOID UNPERFECTED PRE-PETITION TRANSFER with the United States Bankruptcy Court for the District of Massachusetts using the CM/ECF System. I served the foregoing documents on the following CM/ECF participants:

Richard Mestone, Esq.

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non CM/ECF participants:

Richard C. Engrassia 207 Nashua Road Billerica, MA 01821	
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U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN  
ITS INDIVIDUAL CAPACITY, BUT SOLELY AS  
TRUSTEE OF THE TRUMAN 2021 SC9 TITLE TRUST  
By its attorney,

/s/ Robert F. Tenney

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